

**AGENDA  
FLATHEAD COUNTY BOARD OF ADJUSTMENT  
SEPTEMBER 5, 2017**

The Flathead County Board of Adjustment will meet on **Tuesday, August 1, 2017** beginning at 6:00 P.M. in the **2<sup>nd</sup> Floor Conference Room of the South Campus Building, 40 11<sup>th</sup> Street West, Ste 200 Kalispell, Montana 59901.**

**Please turn off all cellular telephones.**

**All decisions made by the Board of Adjustment are considered final actions.** Interested parties are encouraged to attend the meeting to make their views or concerns known to the Board. **Written comments are strongly encouraged and should be received by the Flathead County Planning & Zoning Office, no later than 5:00 pm, August 1, 2017.**

**The Agenda for the meeting will be:**

- A. Call to order and roll call**
  - B. Approval of the June 6, 2017 Minutes**
  - C. Public comment on public matters that is within the jurisdiction of the Board (2-3-103 M.C.A.)**
  - D. The Board will hold a public hearing on the following agenda item. Following the public hearing, Board discussion, and the adoption of findings of fact, the Board may make a decision on the request**
1. **FCU-17-09 LOFT 54 LLC**-A request from Jackola Engineering on behalf of Loft 54, LLC for a conditional use permit to establish 18 apartment units in one building on property located at 163 Bando Lane in Kalispell. The subject property is currently developed with one apartment building containing 12 units on approximately 1.7 acres and zoned RA-1 in the Evergreen Zoning District. The property can legally be described as Lot 4 of Cherry Creek Village in Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.
  2. **APPEAL -17-01**-An appeal by Linda Newgard regarding interpretations of the Flathead County Zoning Regulations (FCZR) made by the Zoning Administrator during the consideration of a request for a Conditional Use Permit by John Hendricks on behalf of James Hanson (FCU-17-06) to place a '*communication tower mast*' on property located at the northeast corner of Farm-to-Market Road and Clark Drive intersection near Kalispell, MT. The subject property is approximately 115.2 acres and can legally be described as Tract 3B in Section 16, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.
  3. **FCU-17-06 JAMES HANSON BY JOHN HENDRICKSON KGEZ**-A request from John Hendricks of KGEZ AM 600 on behalf of James Hanson for a conditional use permit for the placement of a '*Communication tower, mast*' on property located at the northeast corner of Farm-to-Market Road and Clark Drive intersection near Kalispell, MT. The subject property is approximately 115.2 acres and can legally be described Tract 3B in Section 16, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana. **This agenda item was reviewed by the West Valley Land Use Advisory Committee at a legally noticed meeting held on Tuesday, May 23, 2017 @ 7:00 pm at the Stillwater Grange, 1370 Old Reserve Drive in Kalispell.**
  4. **FCU-17-08 ROCKY MOUNTAIN BAPTIST CHURCH**-A request by Matt Cearnal on behalf of Rocky Mountain Baptist Church for a conditional use permit for the expansion of an existing conditional use on property located at 2387 Highway 35, approximately 4 miles east of Kalispell. The subject property is currently developed with a church. The applicants are requesting to add a single family dwelling on the subject property containing approximately 4.1 acres and zoned SAG-10 in the Eastside Zoning District. The property can legally be described as Tract 3 in the East ½ of the Northeast ¼ in the Southeast ¼ of Section 2, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.
  5. **FZV-17-05 JAMES & BETH JOHNSON**-A request by James & Beth Johnson for a zoning variance to property within the Lower Side Zoning District and zoned SAG-5 (*Suburban Agricultural*). The applicant is requesting a variance to Section 5.01.030(2) of the Flathead County Zoning Regulations which states: '*No accessory structures except fences or hedges shall be constructed in any front yard.*' The applicants would like to construct a shop and guest house in the front yard setback of the lot. The property is located at 105 Smith Lake Road and contains approximately 4.3 acres. The parcel can legally be described as Tract 7A in W2SW4 of Section 15, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.
  6. **FCU-17-10 DON & PAUL HERBERT**-A request from Sands Surveying on behalf of Don & Paul Herbert for a conditional use permit for the placement of a Cellular Communication Tower at a property located at 1291 Belton Stage Road in the Middle Canyon Zoning District. A Cellular Communication Tower is a Public Utility Structure and a Minor Land Use in the Middle Canyon. Section 5.13 of the Flathead County Zoning Regulations (FCZR) *outlines*

***Persons with a disability may request a reasonable accommodation by contacting Elaine Nelson at the Flathead County Commissioner's Office at 758-5503 or TTY (800) 335-7592, or call Montana Relay at 711. Requests should be made as early as possible to allow time to arrange the accommodation.***

*requirements to all wireless telecommunications facilities regardless of the zoning district or overlay in which they are located.* Section 5.13.115(C) requires a conditional use permit for towers exceeding sixty feet within ¼ mile of a State or Federal Highway. Because a Minor Land Use Review is similar to a Conditional Use Permit which requires a public hearing, a Conditional use Permit will be required and will include elements of review for both a Minor Land Use Review and a Conditional Use Permit. The subject property can legally be described as Tract 7B in Section 3, Township 31 North, Range 19 West, P.M.M., Flathead County, Montana.

7. **FZV-17-04 DON & PAUL HERBERT**-A request from Sands Surveying on behalf of Don & Paul Herbert for a zoning variance to property located at 1291 Belton Stage Road within the Middle Canyon Zoning District. The applicants are requesting a variance to Section 5.13.115 ( C ) Performance Standards for Cellular Communication Towers which states: A wireless telecommunication tower located within one-quarter (1/4) mile from the Centerline of the right-of-way of all State and Federal highways shall: ( C ) If a wireless telecommunications tower exceeds sixty (60) feet in height or is located more than sixty (60) feet from the edge of the right-of-way of a State or Federal highway, it may be permitted as a conditional use provided that the tower be set back twenty (20) feet from the edge of the right-of-way for every one (1) foot in height in excess of sixty (60) feet. Based on the distance from U.S. Highway 2, the applicants would be permitted to have a 103 foot tower subject to the conditional use permit. The applicants have requested the variance to place a 150 foot tower on the site. The subject property can legally be described as Tract 7B in Section 3, Township 31 North, Range 19 West, P.M.M.,

**E. Old Business-FZV-17-01 Betsy Morrison**

**F. New Business**

**G. Adjournment**

Information and documents pertaining to the above requests are on file in the Flathead County Planning & Zoning Office, 40 11<sup>th</sup> Street West, Ste 220, Kalispell, MT 59901, and may be reviewed during regular office hours, or you may call (406) 751-8200 for more information.

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